

## ***DISTRICT V ADVISORY BOARD – DISTRICT V***

### **Minutes November 6, 2000**

The District V Advisory Board meeting was held at 7:00 p.m. at the Sedgwick County Extension Center, 21<sup>st</sup> Street & Ridge Road.

#### **Members Present**

David Almes  
Bob Bulman  
Sean Cash  
David Dennis  
Maurice Ediger  
Fran Hoggatt  
Andy Johnson  
Vince Miller  
Texanita Randle  
Bob Sorenson

#### **Members Absent**

Margarita Hunt

#### **City Staff**

Steve Lackey, Public Works  
Doug Kupper, Parks & Recreation  
Rob Younkin, Water & Sewer  
Dale Miller, Planning  
John Oswald, Mid-Continent Airport  
Bruce Hollander, Mid-Continent Airport  
Dana Brown, City Manager's Office

The meeting was called to order by **Council Member Bob Martz** at 7:04. Council Member Martz explained the purpose of the District Advisory Board with an emphasis on the advisory role.

The minutes of the October 2, 2000 meeting were approved with the attendance corrected to include Sean Cash and David Dennis.

#### **Public Agenda**

1. **Bob Wine, District Advisory Board VI**, requested that the Board consider information regarding the option for a bridge over the floodway at 21<sup>st</sup> Street. Mr. Wines stated that he believed a bridge at 21<sup>st</sup> would have less impact on the neighborhood and provide greater long-range benefit. He then distributed information to each of the Board Members.

**Action: Receive and file.**

#### **Staff Presentation**

2. **Steve Lackey, Public Works Director**, presented an overview of the *2001-2010 Capital Improvement Plan (CIP)*, an update to the 2000-2009 program. The proposed CIP focuses on major revision for the next three years, 2001-2003, in response to significant changes occurring since the adoption of the current program. The changes include the Comprehensive Transportation Program; the Tourism Master Plan; the Fire Station Relocation Study; a River Corridor plan; and, the Water and Sewer System Master Plans. Lackey noted that the ten-year plan would be revised next year through a process that will involve collecting public information through the District Advisory Boards.

**Lackey** explained that the total funding for the proposed 2001-2010 CIP is more than \$1.6 billion. Local tax dollars represent only \$250 million of the total with plans for federal, state, and private grants to be obtained for the remainder. No change in the mill levy is planned to finance capital projects.

**Lackey** highlighted projects for District V as well as certain projects that are expected to benefit all council districts. **Council Member Martz** noted that \$260 million is proposed for projects in District V.

Board Members then asked questions regarding specific projects.

- **Almes** inquired if the 13<sup>th</sup> & Cowskin Creek flood control project could be moved forward from 2004; **Lackey** responded that it could be if the project is a priority for the City Council.
- **Hoggatt** asked what plans were made for Maple Street between Ridge Road and Julia; **Lackey** stated that it most likely involved some widening and constructing left-turn lanes. **Hoggatt** asked Doug Kupper, Parks & Recreation Director, what was planned for Buffalo Park; **Kupper** stated that the projects would address maintenance and renovation needs including ADA compliances.

**Dennis** stated concerns regarding the Cowskin Creek Master Drainage Plan information presented by Black & Veatch (City's consulting firm) at the October 16, 2000 public meeting. He said that one disappointment was that the study information had not been posted on the website as promised by City staff. Another issue was that the study conducted for bridge options over the floodway had utilized an excellent format of collecting traffic data, comparing to established traffic standards, and presenting options with comparisons of standard grading and project costs. **Dennis** said that in comparison the format of flood control study seemed to focus on a proposed detention pond that would not require removal of homes—information was not provided on whether the pond would address the large floods such as the ones experienced in the last two years.

**Lackey** responded that decisions would need to be made regarding the amount of protection wanted and at what cost in dollars and removal of homes. The detention facility to be located west of 135<sup>th</sup> Street will protect the Breezy Point area but Dry Creek may still spill over at 13<sup>th</sup> and 151<sup>st</sup> Streets with a 100 year flood, even with Dry Creek and Cowskin Creek widened. A larger detention facility could be built but homes would need to be bought out.

**Council Member Martz** stated that perhaps more details are needed and that Black & Veatch could probably provide those. He asked **Lackey** to make a request to Black & Veatch.

### **Planning Agenda**

**Council Member Martz** noted that the order of the Planning Agenda should be adjusted to consider the cases of most interest for the citizens in attendance. The majority of the citizens indicated interest in agenda item #9, VAC2000-00041.

**3. VAC2000-00041, request to vacate property east of Ridge Road & south of 13<sup>th</sup> Street/  
Windmill Road**

**Dale Miller, Planning Department**, reviewed the request to vacate public dedication of areas in the Country Acres Addition, designated as serving Park, Recreation, and Drainage purposes. The land was transferred to the City as a result of annexation from the County. The request is made by the adjacent property owner with intention to develop as patio homes.

**Phil Meyer, Baughman Company**, agent for the applicant, explained that the vacated land would be combined with the property currently owned by the developer to build 75 patio homes. In exchange, the property owner would offer the east transmission line to the City as a bike path easement. **Meyer** stated that the land requested for vacation currently has several encroachments such as fences, gardens, and playground equipment that would need to be removed.

**Meyer** stated that the case had been reviewed at a Park Board hearing in which the request to vacate had been denied. He asked to address several of the concerns identified at the hearing:

- A. Drainage problems – the development could solve some of the problem with the construction of storm sewer but some would still exist;
- B. Cost of development – the existing homeowners would bear no cost as the developer is willing to pay for development costs
- C. Patio homes would be built on single family lots
- D. Access – Linkage to 13<sup>th</sup> Street would be necessary to provide emergency access for response to fires and other emergencies
- E. Maintenance – City is not presenting maintaining; homeowners are maintaining

**Bulman** asked about the drainage issues, noting concerns of associated with the Big Slew drainage as far north as 47<sup>th</sup> Street. He wants to be sure that a proper study of drainage has been conducted. **Meyer** responded that the drainage issues would be addressed during platting but the first step is the request to vacate.

**Hoggatt** asked if the cul-de-sac planned for traffic access is required by the Fire Department; **Meyer** stated that it is strongly preferred.

**Bulman** asked if the City currently maintains the land as park; **Kupper** replied that it has been maintained as a drainage area but park maintenance is almost impossible as no public access exists for entering with mowers, tractors, etc.

A question arose of whether the area had been filled. **Harrell Dean Duncan, 1326 Sand Plum**, stated that he lives behind one of the parcels and had observed it being filled by construction debris from I-235.

**Council Member Martz** asked Meyer how the developer expected to resolve drainage issues; **Meyer** replied that a storm drainage system would alleviate most except for the standing water in the streets.

**Hoggatt** stated that she attended the Park Board hearing and felt the residents should be recognized for the care and development of the area as a place for the neighborhood children to play. **Council Member Martz** asked what would happen to the area if not vacated; **Kupper** stated that it would be very difficult for the City to develop and maintain, as it is land-locked. If the area is not vacated for development, the City will continue the current approach.

**Council Member Martz** opened the discussion for public input. **Mark Tindal, 1308 Sand Plum**, spoke as a representative for the majority of the neighbors. He presented a large map of the area and pictures of the standing water over a succession of days. Tindal noted several issues that conflict with developing the land for additional housing:

- 60 feet available to develop as a collector street while MAPC handbook recommends 70 feet
- Estimate of 9.5 daily trips per household given in the traffic engineer's handbook which would result in a traffic increase of 698 trips each day
- Neighbors have invested in the parcels through developing as recreational area that is family-friendly

**Council Member Martz** asked Miller if an option would still exist for an exit on 13<sup>th</sup> Street if vacated and developed. Miller stated that a determination had not been reached yet.

Tindal stated that the applicant, Dick Hoskinson, has requested that the City return the property to him if it is vacated, as he owns the property on the east. Tindal noted that the area residents had developed the site as a common area for activities in the neighborhood and then presented a list with signatures of residents in the area who are committed to maintaining the area as a neighborhood-maintained park.

Several of the public spoke about the following concerns:

- **Sandy Cooper, 1206 Plum - 13<sup>th</sup> & Ridge** is a high traffic area
- **Larry De Brot, President of Spinnaker Coves Homeowner Association (HOA)** – HOA's privately-owned lake currently has problems with public use. If a bike path is constructed, it will increase access to the lake. The west bank of the lake belongs to the residents of the HOA.
- **Resident, 1304 Sand Plum** – Drainage issues currently exist behind his home. Concern about how development would impact the drainage.
- **Pat Kaneko, 1144 Hazelwood** – Drainage problems will occur after development complete and developer might not resolve. **Council Member Martz** stated that development would have a negative impact on the drainage due to the new ordinance requiring the grade of a property to be maintained upon completion of a project. **Phil Meyer** also noted that in order to plat a property, proper drainage must be approved and maintained.
- **Joel Johnson, 7031 School** – Play area for the neighborhood children will be removed.

**Council Member Martz** stated that residents must realize that if either the park property or the applicant's property is divided into parcels, residents could exist onto 13<sup>th</sup> Street; if the property is not parceled, traffic would continue through the neighborhoods. It was noted

that if Parcel A were developed, Parcel C would be needed to be able to accommodate use of fire trucks in the area.

Citizen comments continued:

- **Euel Reed, 1300 North Shore Blvd** – With the existence of a transmission line, where would the bike path be located? Meyer stated it would run under the line.
- **Charles Mansfield, 1110 Sand Plum** – Children have no sidewalks in the area.
- **Dean Duncan, 1326 Sand Plum Lane** – Requested that the trees be removed if vacated.
- **Dennis Moon, 1128 Hazelwood** – Area was originally designated as a floodplain and that the storm water collected to a level of over one-foot during the Halloween flood. He doubts that the applicant can solve flooding due to the property in question being higher than the other homes in the area. **Council Member Martz** stated that a floodplain is not the same as a floodway that is regulated. He stated that the current issue is vacation. Any future requests for development would be handled in the approval process followed by MAPC and MAPC.
- **Don Doolittle, 609 N. Karren** – vacation would cause him to lose view of the area, a reason he bought his home. He questioned why both parcels were needed for development.

**Cash** stated that some consideration should be given to the opposition to vacation by the Park Board. **Bulman** added that the conditions appeared to exist for allowing development of the area such as space, emergency access, and other necessary factors but that he opposed converting park land into development. **Dennis** stated that the standard of the DAB had been set last month with the support of the Dell area. **Bulman** reminded that in order for a park area to be maintained, the City would require better access. **Cash** stated that maybe City maintenance is not the answer if the area had existed in this situation for 27 years and the residents had taken on the responsibility. He noted that the applicant could build approximately 45 houses on the currently owned property.

**Cash (Bulman)** moved to support the Park Board decision to deny the vacation. Motion passed 9 to 1 (one abstention due to potential conflict of interest).

**Action: Board motion to recommend support of the Park Board decision to deny the request to vacate the property passed 9:1.**

### **Off-Agenda**

**Council Member Martz** recognized an off-agenda item presented by **George Walta, 10630 Carr**. **Walta** asked about any information that the Board might have from his previous requests at DAB Meetings to have the remaining portion of Carr paved. **Council Member Martz** stated that the possibility of ordering-in the paving was being considered due to the need of a new traffic pattern. No time frame currently exists but Council Member Martz expressed confidence that the right direction was being pursued with the order-in, a process that includes special arrangements on payment for the improvement.

**Planning Agenda (continued)**

- 4. ZON2000-46, request to change zoning from SF-20 to LC at 135<sup>th</sup> St. West and 21<sup>st</sup> North and CON2000-40, request for Conditional Use at SE corner of 135<sup>th</sup> St. West and 21<sup>st</sup> North**

**Dale Miller, Planning**, presented the cases to allow zoning for proposed use of the property for a fire station, a pump station, and commercial development. The agent, **Rob Hartman, Professional Engineering**, consultant for the City of Wichita (applicant), showed a concept drawing of the four parcels owned by the City and the proposed locations of the fire station (Parcel 3) and the pump station (Parcel 4). He noted that if a fire station were not built that the conditions of Limited Use for Parcel 3 would be the same as the other parcels.

The only concern expressed by the DAB Members was noise from the pump station. According to Rob Younkin, Water and Sewer Department, noise will not occur at a disturbing level. Hoggatt (Almes) moved that the Board recommend approval. Motion passed unanimously.

**Action: Board unanimously voted to recommend approval.**

- 5. ZON2000-36, request to change zoning at NW corner of Taft & Julia from Single Family-6 to Limited Commercial**

**Dale Miller, Planning Department**, presented information regarding the request. A previous request had been reviewed for this property but because the Planning Staff did not recommend support of the LC zoning, the request was revised to allow Neighborhood Retail zoning which would be more appropriate with the residential area.

Steve Jordan represented his father, Earnest A. Jordan, to explain the intent to develop the site with limited commercial. Jordan noted that he had polled the neighbors about their preferences for businesses allowed with LC zoning and intended to comply but felt somewhat restricted in the options. He noted that an Assisted Living Facility was one of his considerations.

Clarence Might, 9301 W. Douglas, owns two lots immediately north of Jordan's property and spoke in support of the applicant's request but stated the need for the applicant to be given more options under LC.

DAB Members encouraged the applicant to explore the possibilities for appropriate commercial uses for the area. Hoggatt (Johnson) moved for a recommendation to approve. Motion passed 10-1.

**Action: Recommended approval of the request for allowed uses as agreed by the MAPD and the applicant (10-1).**

- 6. CUP2000-46 (DP-37), request for Amendment in LC district located south of University and west of Holland**

**Dale Miller, Planning Department**, reviewed the request for an amendment to permit a 150-foot tower on Parcel 28 in a Limited Commercial District located south of University and west of

Holland. He explained that the request does not meet the requirements of the Wireless Master Plan to use existing school district towers in the area. He noted that the request was actually premature due to the absence of a completed policy/procedure by USD #259 for use of the existing towers. Miller also noted opposition expressed by Mid-Continent Airport and an issue with a height amendment involved in the FAA approval.

**Kim Edgington/Austin-Miller**, agent for the applicant, presented conflicts with using the existing school district tower and noted e-mails from USD 259 indicating that the school district was still resolving technical issues. Edgington stated that leases were currently developed with several carriers and the cell tower is needed to allow service.

**John Oswald, Assistant Director of Mid-Continent Airport**, spoke in opposition to the tower even though the Airport did not yet have a policy for cell towers in the airport area. Several Board Members expressed concern about unsafe situations caused by cell towers that could encroach the space needed to provide a margin of safety for flights in and out of Mid-Continent. Bruce Hollander, Mid-Continent Operations Coordinator, noted that a policy was currently being developed. He also noted that the FAA approval was not communicated to Mid-Continent.

**Council Member Martz** strongly encouraged the Airport staff to make the policy development a high priority. He stated that whether it is a tower, a building, or any other structure that the City is responsible to ensure safety at the airport. He noted that with this application, it is evident that the policy is needed immediately.

**Ted Plank**, adjacent property owner to property sited for the cell tower proposal, cited encroachment concerns for the proposed tower as well as the existing school district tower.

Board Members again expressed concerns for several issues: (1) the school district's timeline for necessary readiness to allow usage of existing cell towers by cellular service providers; (2) lack of an airport policy for responding to requests for cell towers and other tall structures that could impede safety in air travel; and, (3) a need to develop the necessary environment to provide opportunities expediently for cellular service.

**Bulman (Almes)** made a motion to deny the request; passed 10-0. **Bulman (Dennis)** also moved that the Board recommend the development of a policy for Mid-Continent Airport to restrict elevation for structures that may impede safety in air travel; passed 10-0.

**Action: DAB members voted 10-0 to recommend denial of the request.**

**7. ZON2000-00043, request for zone change from SF-6 to TF-3 at location south of Maple and west of Auburn Hills Clubhouse Addition**

**Dale Miller, Planning Department** reviewed the request to change the zoning from Single Family Residential to Two-Family Residential. The parcel is generally located south of Maple, just west of Auburn Hills Clubhouse Addition. Miller stated that MAPD staff is recommending approval of the request.

The agent, Phil Meyer, provided the following information: The applicant is requesting approval of the "TF-3" Two-Family Residential zoning district in order to construct two-family units on

6.4 acres of unplatted property currently zoned “SF-6” Single-Family Residential. The application area is part of a 36.6-acre tract of land located west of 135<sup>th</sup> Street West, south of Maple Street and west of the Auburn Hills Clubhouse Addition. There are 134 single-family lots plus 19 duplex lots (38 dwelling units) proposed for the 36.6-acre tract of land. The applicant intends to build 12 two-family units along the eastern edge of the property that will abut the golf course. Additionally, there will be seven more two-family units that will be located just west of the 12 two-family units. The seven proposed duplexes will be located next to a row of single-family homes within the development. This row of single-family homes will serve as a buffer to the residential area to the west.

Questions from the Board related to issues regarding access for emergency vehicles and rental properties. Dennis (Bulman) moved that the request be approved according to MAPD staff comments included in the staff report; passed 10-0.

**Action: DAB members voted 10-0 to recommend approval of the request, subject to MAPD staff comments.**

### **New Business**

Due to time restrictions, the items under New Business including **Recreational Vehicle (RV) /Commercial Vehicle Parking** and **Engine Compression Release Brakes (“Jake Brakes”)** were postponed until the next meeting.

### **Board Agenda**

#### **8. 2001 Schedule for District V Advisory Board**

Review the 2001 schedule of meetings of first Monday of each month and third Monday as alternate meeting, as originally established, and consider conflicts with holidays.

**Action: Board Members recommended rescheduling meetings that conflict with holidays by meeting on the third Monday of the month, if appropriate.**

Meeting adjourned at 10:50.

Submitted by,

Dana Brown  
Neighborhood Assistant



Guests

|                        |  |
|------------------------|--|
| Robert Wine            | 1402 N. Doris Circle, Member of District Advisory Board VI |
| Phil Meyer             | Baughman Company   |
| Rob Hartman            | Professional Engineering Consultants, 303 S. Topeka        |
| Bruce Barnes           | Professional Engineering Consultants, 303 S. Topeka        |
| Kim Edgington          | Austin-Miller (Engineering Consultants), 335 N. Waco       |
| George Walta           | 10630 Carr Street  |
| Mark Tindal            | 1308 Sand Plum   |
| Connie Tindal          | 1308 Sand Plum   |
| Resident               | 1304 Sand Plum   |
| Dennis Moon            | 1128 Hazelwood   |
| Judy Moon              | 1128 Hazelwood   |
| Don Doolittle          | 609 N. Karren  |
| Sandy Cooper           | 1206 Plum  |
| Larry De Brot          | Spinnaker Coves Homeowner Association, 6605 Warren Circle  |
| Gene Waggoner          | 1206 Sand Plum   |
| Clarence Might         | 9301 W. Douglas  |
| Helen Might            | 9301 W. Douglas  |
| Jeff Kaneko            | 1144 Hazelwood   |
| Pat Kaneko             | 1144 Hazelwood   |
| Laura Glunt            | 1151 Hazelwood   |
| Julia Glunt            | 1151 Hazelwood   |
| Jan Duncan             | 1326 Sand Plum Lane  |
| Dean Duncan            | 1326 Sand Plum Lane  |
| Merlin Nelson          | 1318 Sand Plum Lane  |
| Ron Chapman            | 1214 Sand Plum   |
| Chuck Moore            | 1218 Sand Plum   |
| Richard Breer          | 140 S. Brunswick   |
| Harry Brue             | 1300 Sand Plum   |
| Michael Colbert        | 1114 Sand Plum   |
| Mark Sagerty           | 1109 Sand Plum   |
| Diane Trissal-Sagerty  | 1109 Sand Plum   |
| Tom Reynolds           | 1106 Sand Plum   |
| Lois Reynolds          | 1106 Sand Plum   |
| Joel Johnston          | 7031 School  |
| Rebecca Johnston       | 7031 School  |
| David Jordon           | 1409 Ellis   |
| Alfred P. Bessler, Jr. | 1336 N. Summitlawn Court                                   |
| Jackie Bessler         | 1336 N. Summitlawn Court                                   |
| Phuc Le                | 1307 N. Shore Blvd.  |
| Phuoc Le               | 1307 N. Shore Blvd.  |
| Stan Rzeszotarski      | 6514 Ponderosa Circle                                      |
| Judy Rzeszotarski      | 6514 Ponderosa Circle                                      |
| Euel Reed              | 1311 North Shore   |
| JoAnn Reed             | 1311 North Shore   |